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I. Introduction

1. This core document[1] presents Switzerland in its cultural, historical, political and legal diversity. It contains general information and statistical data designed to facilitate understanding of the political, legal, social and economic context in which human rights are implemented in Switzerland.[2]

2. This document takes inspiration from the "Harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents" of 10 May 2006 (HRI/MC/2006/3), prepared by the Office of the High Commissioner for Human Rights for drafting the first part of reports. Following the plan suggested in the guidelines, the report has three parts: General information about Switzerland (II); General framework for the protection and promotion of human rights (III); Non-discrimination, equality and effective remedies (IV).

3. Unless a different date is indicated, the information provided is as at 31 December 2015.

II. General information about Switzerland

A. Geographical, historical, demographic, social, cultural, economic and legal characteristics

1. Geography

4. Switzerland is a small country of great diversity in the heart of Europe. Its geography is characterized by contrasts and the distinctive features of the landscape. This natural variety is reflected in the rich and fertile cultural diversity that gives rise to the marked differences that are an essential part of Swiss identity.

5. The Swiss Confederation consists of 26 cantons and 2,294 communes, with Bern as the federal capital. It is bordered by France to the west, Germany to the north, Austria and the Principality of Liechtenstein to the east and Italy to the south. It has 1,882 km of borders with these five countries.

6. Switzerland has an area of 41,285 km^2. The three major geographic regions of the country are the Alps, the Plateau and the Jura. The Alps cover 60 per cent of the territory and have always shaped the country's identity, although the main economic activities are concentrated on the Plateau and only 11 per cent of the population live in the alpine regions. The many passes in the Swiss Alps are important crossing points. Forty-eight peaks rise to over 4,000 m, the highest being in the Monte Rosa massif at Dufourspitze, which is 4,634 m high.

7. Habitation and infrastructure occupy 7.5 per cent of Swiss territory, agriculture 35.9 per cent and wooded areas 31.3 per cent. More than 97 per cent of the forests that appeared between 1985 and 2009 are in alpine regions. One large part of the new wooded areas was developed on abandoned alpine agricultural land. Swiss glaciers receded by a little over 390 km^2 between 1985 and 2009 and now cover an area of 1,140 km^2.

2. History

8. The institutions and political organization of Switzerland reflect seven centuries of history. Government systems have evolved much more by a process of accretion and superimposition as the territory has expanded than through upheavals, revolutions and armed conflict. It is as a nation based on political will that Switzerland has developed.

[1] Adopted by the Federal Council on 12 October 2016.

[2] Several passages in this report have been taken from publications of the Federal Statistics Office, the Federal Chancellery, the Federal Supreme Court and the Federal Department of Foreign Affairs.

Swiss identity is not, as in neighbouring countries, based on a national language or a common cultural or ethnic tradition, but rather on political convictions that people share despite their different linguistic and cultural traditions. The common denominators are adherence to the values of the federal State, direct democracy and cultural and linguistic diversity. Regional autonomy is a common thread running through the history of the Confederation, while its neutrality since the sixteenth century is largely responsible for its multicultural internal cohesion and has protected it from attack from abroad.

9. Until the French Revolution, Switzerland was an association of States (the cantons), the original purpose of which was common defence of their independence against the territorial claims of the Hapsburgs and, later, the conquest and submission of certain territories (subject countries). At that time, relations between the cantons were not governed by a constitution, but by treaties of alliance. A common policy of confederated States developed only gradually because the political and confessional differences were at first insurmountable.

10. After the occupation of Switzerland by the troops of the Directory in 1798, a unitary Helvetic Republic was established following the French model. The privileges of suzerain States over subject countries were abolished and freedom of religion and of the press were established. In 1803, Napoleon ended the struggle between federalists and centralists by decreeing a new Constitution, the Act of Mediation, whereby Switzerland again became a confederation of States. The powers of the central Government were restricted to foreign policy and maintaining public order, while the cantons remained sovereign in every other respect.

11. In 1815, the Congress of Vienna recognized the independence and neutrality of Switzerland as important elements of the European balance of power. Switzerland thus regained the form of an association of 22 broadly independent cantons united by a treaty of alliance. It was then that the current external borders were set.

12. The French Revolution of July 1830 also triggered a liberal movement in Switzerland. In 12 cantons, people's movements imposed liberal constitutions based on the principles of the sovereignty of the people and representative democracy. These new constitutions violated the Federal Treaty of 1815 and made it inevitable that it would be amended and the central Government consolidated. The decisive step from a confederation of States to a federal State was the first Federal Constitution of 1848, when, after a short civil war (the Sonderbund War), the liberal cantons emerged as victors over the conservative Catholic cantons. Thus, in the midst of the restored European monarchies, a State emerged embodying progressive republican ideas. The Constitution vested new powers in the Confederation, including over foreign policy, customs, the post, the currency and, to some extent, the army. It was then that the current organization of the State was established based on the principle of the separation of powers. Its bicameral parliamentary system inspired by the United States model seeks a balance between centralism and federalism.

13. The Swiss Constitution later underwent two complete revisions: the first, in 1874, strengthened central Government and the rights of citizens at the expense of the cantons, while the complete revision of 2000 amended the outdated text to reflect substantive constitutional law: gaps were filled, linkage improved, it was made less detailed and the language was modernized ("updating"). As part of this process, a whole set of fundamental rights was enshrined in the Constitution for the first time (cf. section B.1. below). In addition, innovations were needed regarding the judicial authorities and personal rights in order to guarantee and strengthen the State's capacity for decision-making and action in view of the challenges ahead. In 2000, the Swiss people also voted in favour of bilateral agreements with the European Union (EU) and two years later agreed to membership of the United Nations.

14. The semi-direct democracy (popular initiatives, referendums and Parliament) established by the Constitution is an essential factor of the peaceful coexistence of different cultures as it strengthens the role of linguistic and political minorities in decision-making processes.

15. Swiss federalism should also be seen in the light of the increased delegation of powers over the centuries. The Confederation has only those powers expressly entrusted to it by the Constitution; other powers lie with the cantons. The communes have powers in the fields expressly delegated to them by the canton or the Confederation.

3. Demography

16. Switzerland has a population of 8.3 million (as at 31 December 2015), 24.6 per cent of whom are foreigners. It is a multilingual State with four official languages: German, French, Italian and, to some extent, Romansch (cf. art. 70, para. 1, of the Federal Constitution of the Swiss Confederation of 18 April 1999 (hereinafter "the Constitution")).[3]

17. Sixty-nine per cent of people living in Switzerland are Christians. In 14 cantons, Catholics are in the majority, in three cantons Protestants and in two cantons people of no religious denomination, while in the other cantons the situation is more or less balanced. Religion does not play a major role in the daily life of most people, whether they are Christian, Muslim or Jew. In 2014, 23 per cent of people did not belong to any religious community, a proportion that has been rising steadily for years. In this respect, Switzerland can be seen as a "country of minorities" as far as language, culture and religion are concerned.

Permanent resident population as at 31.12.2015 (in thousands)	8 327.1
Men (%)	49.5
Women (%)	50.5
Age groups (%)	
0–19 years	20.1
20–39 years	26.7
40–64 years	35.2
65 years and over	17.9
Average age	41.9
Foreigners (%)	24.6
Population growth (%)	1.1
Number of children per woman	1.5
Life expectancy at birth (in years)	
Men	80.7
Women	84.9
Divorces per 1000 inhabitants	2.0
Households	
Single-person households (in thousands)	1 242.4
Single-family households with children (in thousands)	1 223.0
Average size of private household (number of persons)	2.25
Population density (inhabitants per km^2)	208.2
Resident population according to main language(s), 2014 (%)	
German/Swiss German	64.45
French	22.7

[3] Recueil systématique du droit fédéral (RS) 101 (www.admin.ch > Droit fédéral > Recueil systématique > Rechercher).

Italian	8.4
Romansch	0.5
Other languages	20.9
Total (%) (the total exceeds 100% as some people report several languages)	**115.5**

4. Social and cultural characteristics

(a) Culture

18. Great diversity in a limited space: the cultural landscape of Switzerland, characterized by the coexistence of several linguistic and cultural communities and the small area of the country, is one of remarkable cultural diversity. Architecture, design, art, literature, cinema, music, theatre and customs are highly developed.

19. The Swiss Confederation was established by the coming together of 26 cantons, each with its own legal system, political, linguistic and religious culture and a distinct historical identity. For this reason, respect for cultural diversity as a founding principle of the identity of the Swiss State is guaranteed several times in the Constitution. It defines the political and administrative shape of the federal State and its cultural and linguistic policy. Consequently, cultural policy is organized at the federal and decentralized levels. It aims not to ensure uniformity, but to promote diversity. It protects minorities and guarantees social cohesion among the four linguistic regions.

20. In the federal structure of the State, the encouragement of culture is based on the principle of dual subsidiarity. First, the private sector is mainly responsible for establishing the material conditions for the development of culture; the public authorities provide support only if private sector resources are inadequate. Second, the encouragement of culture takes place from the bottom up: the public authorities responsible are first those closest to the people, i.e. the communes and the cities; then, and only if necessary, the higher body, i.e. the cantons or the Confederation. Expenditure on culture by public authorities, which is borne mainly by cities and cantons, confirms this principle.

21. For example, in 2013, the Confederation, cantons, cities and communes allocated almost 2,724 million francs to culture, which was around 1.7 per cent of total public expenditure and 0.43 per cent of gross domestic product (GDP). Under the principle of subsidiarity, the cities and communes contributed about 50.7 per cent, the cantons about 38.3 per cent and the Confederation about 11 per cent. The total amount corresponded to 337 francs per capita, as compared to 4,376 for education, 2,087 for transport and 1,700 for health.

22. Strengthening cultural cohesion and diversity in Switzerland at the same time as facilitating access to culture is one of the fundamental objectives of the Confederation's cultural policy. The Federal Council also seeks to encourage cultural exchanges, create conditions favourable to the work of cultural players, cultural institutions and organizations and to promote Swiss cultural creation abroad. At the same time, it conducts a national cultural dialogue with the cantons, cities and communes to improve information exchange, strengthen cooperation, identify subjects in which partners have parallel or complementary interests and foster mutual understanding and trust.

23. Foreign institutional cultural cooperation takes place at both the bilateral and multilateral levels. At the bilateral level, Switzerland cooperates with partner countries in fields such as cinema and the transfer of cultural goods; at the multilateral level, it is a member of UNESCO and the Council of Europe. The network of Swiss schools abroad also plays a significant part in international cultural exchange.

24. Multilingualism is an essential characteristic of Switzerland. The Federal Constitution makes that clear by giving extensive authority over linguistic policy to the Confederation and the cantons (art. 70 of the Constitution).[4] The federal law on national

[4] RS 101.

languages and understanding between the linguistic communities (the Languages Act)[5] is the practical expression of this mission to safeguard and promote the linguistic wealth of Switzerland and strengthen social cohesion.

25. Under the Constitution, German, French, Italian and Romansch are national languages: each of these linguistic groups has the right to communicate in its own language. German, French and Italian also have the status of official languages, which means that the legislation and official documents of the Confederation must be available in them. Some 40 per cent of the Swiss population communicates regularly in more than one language. In addition to the national languages, English, Portuguese, Spanish, Serbian, Croatian and Albanian are widely used. Four of the 26 cantons are officially multilingual: Bern (German and French), Fribourg (French and German), Valais (French and German) and Grisons (German, Romansch and Italian). The cities of Biel and Fribourg are also bilingual in German and French.

(b) Education

26. From entry into compulsory education up to the tertiary level (higher schools and higher vocational training), education is the responsibility of the State. The Confederation and the cantons share powers in this field. Since 2006, in the framework of their respective powers and based on the new constitutional foundation, the two partners have jointly overseen the high quality and accessibility of the Swiss Education Area (art. 61 (a) of the Constitution).[6] Post-compulsory education (general education, vocational training, higher schools) is the shared responsibility of the Confederation and the cantons, each of which has its own powers. In most cantons, it is also compulsory to attend pre-school for one or two years. State schools are free. The cantons and their communes finance 83 per cent of public spending on education.

27. Most pupils attend the state school of the commune in which they live for their compulsory education. About 5 per cent attend a private school (2015). State schools play an essential part in integration since the children who attend them come from different social, linguistic and cultural backgrounds.

28. After compulsory schooling, some two thirds of young people opt for vocational training that combines school and practice (dual initial training) and leads to a federal certificate of capacity or a federal vocational training certificate. Initial vocational training may also culminate in a vocational baccalaureate. About one third of young people opt for academic training (a general education or high school) that prepares pupils for study in a higher school (specialized higher schools, teacher-training higher schools, universities and federal polytechnics).

29. About 95 per cent of young people obtain a secondary school certificate II, which enables them to start work immediately, enter a higher vocational training school or, if they have a high school, specialized or vocational baccalaureate, to continue their education in a higher school. In 2015, 37 per cent of pupils obtained a baccalaureate of some sort. The high school baccalaureate is generally required for admission to Swiss universities.

30. Tertiary education includes the higher schools (specialized higher schools, teacher-training higher schools, universities and federal polytechnics) and higher vocational training. This latter type of higher education is for experienced professionals and enables them to specialize or gain further qualifications. It includes training in specialized higher schools or taking an examination that is regulated at federal level (a professional examination or a higher professional examination). Fifty-two per cent of the population have a tertiary qualification, 35 per cent are higher school graduates, 14 per cent have a higher vocational training qualification and 3 per cent have both (2015 figures).

31. In addition, continuing training for professional purposes (informal training such as courses, seminars, etc.) is conducted at every level and is part of lifelong learning.

[5] RS 441.1.

[6] RS 101.

(c) Poverty

32. A poverty threshold based on a minimum social subsistence level is used to measure poverty in Switzerland. People who do not have the financial resources to acquire the goods and services necessary for a normal life in society are considered poor.

33. In 2014, the poverty threshold was an average of 2,219 francs per month for a single person and 4,031 francs per month for a household of two adults and two children.

34. In 2014, 6.6 per cent of the Swiss population or some 530,000 people were affected by monetary poverty. The financial difficulties of about 370,000 people, 4.6 per cent of the population, led to material deprivation: they were unable to access certain consumer durables or ensure minimum living conditions. The most vulnerable groups are single-parent families, adults living alone, people without post-compulsory education, the unemployed and people living in a household with little participation in the employment market.

(d) Social security and health systems

35. The Swiss social security system covers five areas: (1) retirement, survivors' and invalidity provision (the "three-pillar system"); (2) health and accident insurance; (3) benefits for loss of income for maternity leave and civil or military service; (4) unemployment insurance; and (5) family allowances.

(1) The retirement, survivors' and invalidity provision system is divided into three "pillars": the first covers retirement and survivors' insurance and invalidity insurance. It is compulsory and universal, and essentially funded by the contributions of the insured and a contribution by the authorities. The second pillar is professional provision, which is compulsory for employed persons whose salary is above a certain level set by law. The third pillar, individual provision, is entirely optional.

(2) Everyone domiciled in Switzerland is required to have health insurance. People are free to choose their insurer. For basic health insurance, adults may choose an annual deductible of between 300 and 2,500 francs. The lower the deductible, the higher the monthly premiums will be, and vice versa. In addition to compulsory basic insurance, there are many forms of private supplementary health insurance. Social health insurance (basic insurance) guarantees everyone access to high quality medical treatment in the event of illness or accident, if accident insurance does not cover the cost. Accident insurance is compulsory for employed persons and provides cover for the economic consequences of industrial accidents, non-industrial accidents and occupational diseases. It covers treatment costs, sick pay and invalidity and survivors' pensions. These benefits help to compensate for the damage to health and earning capacity resulting from an accident or occupational disease.

(3) Loss-of-income benefit compensates for loss of income by people doing military, civil or civil protection service. Since 1 July 2005, the loss-of-income system is also used for maternity allowances for employed women. The benefit covers 80 per cent of their income and is paid for the 14 weeks following the birth.

(4) Unemployment insurance gives the right to benefit corresponding to 70 to 80 per cent of the previous salary. Depending on age, maintenance obligations and length of contributions, a person may receive between 90 and 520 days of benefit. In principle, this is dependent upon having contributed for at least 12 of the preceding 24 months.

(5) Family allowances include a minimum of 200 francs per child per month for children up to 16 years of age and a vocational training allowance of at least 250 francs per month for children aged 16 to 25 who are in education. The cantons may provide higher amounts.

5. Economic characteristics

(a) Employment

36. The Swiss employment market is known for its great stability. The collective agreements between workers' and employers' organizations set the conditions of employment in many sectors. Strikes are rare and the employment market is comparatively flexible by international standards. According to the International Labour Office (ILO), the unemployment rate was 4.7 per cent in the third quarter of 2015. The youth unemployment rate (15–24 years) was 9.8 per cent, while the rate was 4.1 per cent for the 25 to 49 age group and 4 per cent for those aged 55 to 64. At the end of 2015, the unemployment rate for men and women was similar (4.6 per cent and 4.8 per cent respectively), but there was a marked difference between those with Swiss nationality (3.2 per cent) and foreigners (8.8 per cent).

37. The median salary is 6,427 francs per month gross in the economy as a whole (2014). Salary levels nonetheless vary widely between different economic sectors. Despite legislation, salary differences between men and women remain significant (cf. IV. below).

(b) Economic data

38. The Swiss economy depends heavily on foreign trade. According to the national accounts, there is a trade surplus: in 2014, total exports (industry and services) amounted to 413 billion francs, while total imports stood at 340 billion francs. The service sector (banks, insurance and tourism) accounts for a significant proportion of foreign trade.

39. At 78,432 Swiss francs in 2014, the per capita GDP of Switzerland ranks ninth in the world. Between 2000 and 2013, annual growth in GDP averaged 1.8 per cent.

6. Crime statistics and the criminal justice system

(a) Crime statistics

40. In 2015, police crime statistics recorded a total of 487,611 offences under the Swiss Criminal Code of 21 December 1937,[7] 86,120 violations of the Federal Act of 3 October 1951, the Drugs Act,[8] and 42,184 violations of the Federal Act of 16 December 2005, the Foreigners Act.[9] The number of offences reported under the Criminal Code was lower than in 2014 and, at less than 500,000, was the lowest since statistics were revised in 2009.

41. In order to obtain a weighting of the various violent acts, a simplified classification of serious and less serious violence has been applied. In 2015, 3.2 per cent of violent acts, or 1,358 offences, were classified as serious. These serious offences include murder (57 murders and 141 attempted murders), grievous bodily harm (616), rape (532) and robbery under article 140, paragraph 4, of the Criminal Code. There were 2.4 murders (including attempted murders) per 100,000 inhabitants. While 10 per cent of murders (including attempted murders) were committed with a firearm and 48 per cent with a blade or cutting instrument, the great majority of serious physical injuries were the result of purely physical acts of violence (50.2 per cent). The 36 murders (including attempted murders) committed with a firearm compare with an average of 42 between 2009 and 2014.

42. In 2015, 6,756 sexual offences were recorded. Reports were 4.2 per cent higher (+272 offences) than in 2014 and are mainly the result of an increase in unlawful prostitution and exhibitionism. Offences involving sexual acts against children and rape fell slightly but were still in line with recent years (-5.5 per cent, -72 offences and -4.3 per cent, -24 offences, respectively).

43. The clear-up rate in 2015 was 92.4 per cent for murder (including attempted murder), while the rate for other offences under the Criminal Code varies widely. These

[7] RS 311.0.
[8] RS 812.121.
[9] RS 142.20.

differences are a function of the priorities set for police work and the circumstances in which offences were committed. The clear-up rate is 85.9 per cent for other offences against the person and 82.3 per cent for sexual offences, which are high because the victim often knows the perpetrator. The many cases of theft and damage pushed the clear-up rate for offences against property down to 19.1 per cent in 2015. The general clear-up rate for offences against property, excluding those two offences, is 58.2 per cent. The many cases of theft of and damage to property also bring the overall clear-up rate for offences under the Criminal Code down to 32 per cent.

(b) The criminal justice system

44. In Switzerland, the cantons are sovereign with regard to policing. They are responsible for security and public order and criminal investigations. Some cantons have delegated certain police powers to cities and communes. In 2016, there were 221 police officers per 100,000 inhabitants.

45. In the performance of their duties, the police must respect the legal order and, in particular, the principle of proportionality. In addition to ethical topics such as the human dignity of every individual, equality and neutrality, the examination that has to be passed at the end of basic police training also covers the European Convention on Human Rights[10] and the United Nations Code of Conduct for Law Enforcement Officials. Trained police officers are therefore required to be capable of respecting human dignity in their actions and of respecting the human rights enshrined in the Constitution, the European Convention on Human Rights and the law. Since 2012, the Swiss Police Institute has published a revised version of the textbook on human rights and professional ethics. During the revision process, the authors received support from, among others, the Swiss Centre of Expertise in Human Rights (SCHR). Furthermore, preventing "ethnic profiling" is a recurrent theme for police chiefs and is also covered in training.

46. While criminal legislation is within the jurisdiction of the Confederation, the cantons are responsible for the execution of sentences and orders. They are organized into three concordats, each of which in its region aims to arrive at a degree of harmonization, supervisory coordination and joint use of available resources.

47. There are three types of sentences under the Swiss Criminal Code: custodial, pecuniary and community work. Each of these may be combined with full or partial suspension for a fixed period. Where this is the case, if the convicted person does not reoffend within the specified period, he or she does not have to serve the sentence or the conditional part of the sentence imposed. The Swiss Criminal Code also makes provision for therapeutic measures, committal and other measures.

48. A custodial sentence is generally a minimum of six months and a maximum of 20 years. Where the law expressly so provides, a life sentence may be imposed. Judges may impose an immediate sentence of less than six months only if the conditions for suspension do not obtain and neither a pecuniary sentence nor community work can be executed. It is also possible to suspend custodial sentences that do not exceed 24 months, and to partially suspend custodial sentences by between one and three years.

49. Switzerland abolished the death penalty in peacetime in 1942, and in wartime in 1992.

50. In September 2015, 3,673 convicted adults were in prison and 2,725 were detained pending trial, for security reasons or in anticipated execution of sentence. Three hundred and sixteen foreigners were detained pending return to country of origin or deportation.

51. Since 1999, the number of prisons has fallen considerably, from 145 to 117, in contrast to the official capacity figures and the number of detainees, which have increased by 13 and 18 per cent. This is explained by the fact that some small prisons have been replaced by larger ones.

[10] RS 0.101.

52. In 2014 on the reference date, 12 per cent of the 3,749 convicted persons were imprisoned for murder, 4 per cent for rape and 9 per cent for robbery. Those imprisoned for drugs offences and theft were the largest groups, each accounting for 23 per cent of the total. In 2014, 15 people died in prison, nine of them by suicide.

B. Constitutional, political and legal structure of the State

1. Federalism: Confederation and cantons

53. The history and cultural diversity of Switzerland have made federalism an essential integral part of the State. Experience has shown that the unity of the State can be ensured only by safeguarding the diversity of its component parts.

54. The sovereignty of each canton is a feature of Swiss federalism. The distribution of powers between the central State and the cantons thus reflects the principle of subsidiarity: the Confederation has the powers vested in it by the Constitution. The cantons are sovereign insofar as their sovereignty is not limited by the Federal Constitution and exercise all the powers that are not vested in the Confederation (art. 3 of the Constitution).[11] Swiss federalism is thus based on a process of constantly renegotiated delegation.

55. With the change to a federal State, the central Government, as a permanent institution, acquired more tasks, making the division of federal and cantonal powers more complex. Nowadays, some fields fall within the general or even exclusive competence of the Confederation, including: foreign affairs; customs duties; monetary policy; postal and telecommunications services; the armed forces; legislation on nuclear energy; animal rights; transport (railways, cable cars, shipping, aviation and space flight); and meteorology. Other sectors, such as religious worship, the police and social welfare, are within the competence of the cantons.

56. In other areas, federal and cantonal legislation coexist and the division of powers is less clear-cut. In many cases, the Confederation legislates and the cantons implement legislation. This is true of civil law, criminal law, social insurance and road traffic. In yet other areas, such as taxation, health and education, legislative power is shared.

57. As a result of this federal distribution of powers, the Confederation has the authority to legislate on vocational training, while state education falls within the exclusive competence of the cantons. This gives rise to major educational differences between cantons (for example, curricula, number of pupils per class, regulation of holidays, timetables, etc.). On 21 May 2006, the Swiss people accepted new constitutional articles on education, so that the Constitution now requires education authorities to harmonize certain aspects of the education system throughout the country.

58. In view of the particular nature of its legal organization, Switzerland relies upon a long-term strategy conducted by the Confederation, the cantons and the communes when implementing directives on human rights. Specific procedures for each field of activity are developed step by step with the collaboration of the various levels of the State and the many competent institutions and stakeholders and are then endorsed at the political level. This is a complicated process but enables sustainable implementation appropriate to the different levels of the State.

2. Cantons and communes

59. The communes are the smallest political entity of the federal State. Switzerland has around 2,300 varying greatly in size. Their autonomy is guaranteed within the limits set by cantonal law (art. 50 of the Constitution).[12] The clearest sign of communal autonomy is their sovereignty in matters of taxation.

[11] RS 101.
[12] RS 101.

60. The organization of communes is not uniform: while in many power is still exercised by a communal assembly in which all inhabitants with the right to vote can participate, the largest communes have a parliament. The executive authority is the communal council, a collegial body in most cases elected by direct popular vote.

61. The people play an active part in the life of the commune. A feature of Swiss democracy is thus a remarkably lively political, social and cultural life at the local level. The landscape of local democracy is made up of political parties and associations, cultural events, festivals, exhibitions, concerts and the many libraries and museums.

62. As communes can merge, their number has been falling steadily for some time. Between the censuses of 2000 and 2010, 312 communes disappeared, an average of 30 per year. Mergers are often a response to the imperatives of rationalization and economy.

63. In the state hierarchy, which goes from the commune (the lowest level) to the Confederation (the highest level), the cantons are the intermediate level and are thus the linchpin of the political structure of the country.

64. Switzerland has 26 cantons. The youngest was created in 1978 by a constitutional amendment in which the people and the cantons accepted the establishment of the canton of Jura, whose territory had until then been subject to the sovereignty of the canton of Bern.

65. Each canton has its own constitution and its own legislation. Legislative power is vested in a single-chamber parliament, in most cases elected by a system of proportional representation. Executive and administrative power is vested in a "State Council" or "Executive Council" elected by the people for a specific term and organized according to the same principles as the Federal Council: the President changes every year and collegiality is the rule. It should, however, be noted that in Appenzell Innerrhoden and Glarus, elections of cantonal judges and the government, and of the President of the government (Glarus), is by show of hands, as are all votes on cantonal issues in citizens' assemblies known as *Landsgemeinde*.

66. Women obtained the right to vote at cantonal level between 1959 and 1990 (at federal level in 1971). In February 2016, women accounted for 25.8 per cent of the membership of cantonal parliaments and 24 per cent of members of governments. A woman was first elected to a cantonal government in 1983 (to the Federal Government in 1984).

67. The cantons are sovereign regarding organization of the courts. In most cases their system is headed by a supreme court (knows as the Cantonal Court) which is the court of appeal for civil and criminal cases. Each canton also has an administrative court. Several cantons have merged their administrative courts with the second instance courts.

68. Citizens' political rights are broader at the cantonal than at the federal level. Cantonal governments are directly elected by the people and in several cantons, in addition to constitutional initiative, which is only possible in federal law, citizens have a right of legislative initiative whereby they may, if sufficiently numerous, put forward for acceptance by popular vote new legislation or amendments to existing laws. There are also optional and mandatory referendums (for example, on taxation and administrative matters) at cantonal level.

69. Unlike at federal level, at cantonal level foreigners can take part in cantonal and/or communal ballots and stand for office if this is provided for in cantonal law. The French-speaking cantons of Jura, Neuchâtel, Geneva and Vaud give foreigners the right to vote under certain conditions, as do some communes in the cantons of Basel-Stadt, Grisons and Appenzell Innerrhoden.

3. Organization of federal powers

(a) The executive: the Federal Council

70. The Federal Council is a collegial Government composed of seven members who have equal powers. Each member is elected by the Federal Parliament for four years; he or she may be re-elected indefinitely. In practice, re-election is the rule, thus ensuring the

continuity and stability of Swiss policy, particularly as neither the Federal Council nor any of its members may be deposed by Parliament. This principle is reflected in the maxim "The Federal Council yields but does not resign".

71. Each year, the Federal Assembly (meeting in joint session) chooses one of the seven Federal Councillors as President. As a mere *primus inter pares*, he or she does not have any special powers. The President's main role is to chair meetings of the Government and to discharge representation duties.

72. Each Federal Councillor is the head of a department (ministry), whose interests he or she represents in the Government. As a collegial body, the Federal Council takes its decisions only by consensus or by a simple majority, and each member assumes responsibility for joint decisions.

73. The composition of the Federal Council is a subtle linguistic, religious, regional and political balance. Traditionally, the Latin (French and Italian) minority always has at least two representatives on the Council and the large cantons (Zurich, Bern and Vaud) are in principle represented on it. Between 1959 and 2003, a political compromise known as the "magic formula" ensured the country's four largest political parties, i.e. the Liberal Radicals, Christian Democrats and Socialists (two representatives each) and the Democratic Union of the Centre (one representative), a permanent place in the Federal Council. After the federal elections of 19 October 2003, the Federal Assembly changed the distribution of seats between the parties, giving two seats to the Democratic Union of the Centre, which had become the main political force in the country at the 1999 elections. Discussions on the composition of the Federal Government, or rather on the parties that should be represented in it, have continued since the end of the magic formula.

74. The Federal Council exercises traditional executive functions (art. 174 and arts. 180 *et seq.* of the Constitution).[13] It is responsible for the country's development and political management, ensures the maintenance of law and order and is the guardian of external and internal security. It monitors respect for and implementation of the Constitution, legislation and the judgements of the Federal Supreme Court and, as appropriate, takes the necessary measures for their enforcement. In the few areas in which the Federal Supreme Court or the Federal Administrative Court do not have jurisdiction under the Constitution, the Federal Council is the supreme appeal authority. Its role as Head of State, which it assumes collegially, makes it the representative of Switzerland abroad and the guardian of the Confederation's interests; it also ratifies the international treaties adopted by the Federal Chambers. Under article 166, paragraph 2, of the Constitution,[14] the Federal Assembly is competent to approve international treaties except for those that are the exclusive responsibility of the Federal Council by virtue of a law or an international treaty. Treaties that are of limited scope under article 7a, paragraph 2, of the Act of 21 March 1977, Organization of the Government and Administration Act,[15] are in this category.

(b) Legislative power: the Federal Assembly and the people

75. Switzerland's bicameral parliamentary system is the direct result of federalism. The Council of States is composed of 46 deputies, or two per canton (the half-cantons having one seat each), regardless of the canton's size and population. The National Council is composed of 200 people's deputies divided among the cantons in proportion to the sizes of their populations. Although the way the councillors are elected to the Council of States is decided by each canton (most have opted for a majority vote), the members of the National Council are uniformly elected by proportional representation.

76. The proportion of women in the Federal Chambers has increased steadily since 1971, when they first enjoyed both the right to vote and to stand for election. It is now 32 per cent in the National Council and around 15 per cent in the Council of States (October 2015).

[13] RS 101.
[14] RS 101.
[15] RS 172.010.

77. There are 12 parties in the National Council in the 2015–2019 parliament. Six of them are also represented in the Council of States, four on the Federal Council.

78. A parliamentary term of office lasts four years. The chambers hold four regular sessions each year. Both chambers have the same rights and no draft statute or order can be considered adopted unless approved in identically worded form by each of them. If a draft gives rise to differences of opinion between the chambers, the text is shuttled back and forth between them until the differences have been resolved; if differences persist after three such exchanges, the relevant committee members from each chamber meet in a conciliation conference. If they cannot reach consensus, the draft is defeated.

79. The Federal Assembly, meeting in joint session, elects the Federal Councillors, the President and the Chancellor of the Confederation, the federal judges and, in time of war, the commander-in-chief of the armed forces. The National Council and the Council of States also deliberate in joint session to rule on jurisdictional disputes between the highest federal authorities and on petitions for pardon (art. 157 of the Constitution).[16]

80. The date of entry into force of any legal instrument is usually set during the final vote by the chambers. The chambers can also leave that decision to the Federal Council. However, referendums must be held within 100 days of being announced in the *Feuille fédérale* (Official Gazette). Since 1874, the Constitution has provided for the right of optional referendum. Thus, if, within 100 days of the adoption of an Act by the Federal Assembly, 50,000 valid signatures are collected from enfranchised citizens who would like it to be submitted to popular approval, the Act has to be voted upon by the people and cannot enter into force unless a majority of those voting so decides. Such a vote must also be held if requested by at least eight cantons (art. 141 of the Constitution).[17] Consequently, legislation can only enter into force after the 100-day referendum period. The optional referendum procedure is applicable to international treaties which are not subject to denunciation and are concluded for an indefinite period, which provide for membership of an international organization or contain important legislative provisions or whose implementation requires the enactment of federal legislation (art. 141, para. 1(d) of the Constitution).[18] Constitutional amendments and membership of collective security organizations or supranational communities are in all cases subject to the dual consent of the people and the cantons, as is urgent federal legislation which has no constitutional basis and whose validity exceeds one year (mandatory referendum under art. 140, para. 1(c), of the Constitution).[19] Such legislation must be put to the vote within one year of its adoption by the Federal Assembly (art. 140, para. 1(c), *in fine*, of the Constitution).[20]

81. Since 1891, the Constitution has also recognized the right of proposal by popular initiative of partial amendment of the Constitution (arts. 138 *et seq.* of the Constitution).[21] For this purpose, 100,000 citizens' signatures must be collected within a period of 18 months (arts. 139 *et seq.* of the Constitution).[22] Parliament cannot prevent the submission of a popular initiative to the vote, but may declare an initiative inadmissible or null and void if it does not meet the requirements of unity of form and subject matter or breaches peremptory norms of international law. Since such an initiative can only relate to constitutional amendments, it must be approved both by the people and by the cantons to be adopted. The authorities may put forward a counter-proposal in response to an initiative.

[16] RS 101.
[17] RS 101.
[18] RS 101.
[19] RS 101.
[20] RS 101.
[21] RS 101.
[22] RS 101.

Turnout in federal votes since 1998 (annual average)

Year	*Voters registered*	*Turnout*	*Number of ballots*	*Number of subjects voted upon*
1998	4 634 892	43.7	3	10
1999	4 643 610	39.9	3	10
2000	4 670 283	44.3	4	15
2001	4 699 814	45.3	3	11
2002	4 736 552	48.2	4	8
2003	4 760 181	39.2	2	11
2004	4 805 262	46.8	4	13
2005	4 849 474	51.1	3	5
2006	4 891 363	40.6	3	6
2007	4 921 794	41.1	2	2
2008	4 973 571	43.7	3	10
2009	5 020 372	46.1	4	8
2010	5 070 806	44.7	3	6
2011	5 092 212	49.1	1	1
2012	5 153 959	38.4	4	12
2013	5 189 673	46.6	4	11
2014	5 230 302	52.4	4	12
2015	5 260 043	42.8	2	6

(c) Resident population, voters

82. Swiss nationals aged 18 and over have the right to vote at the national level. They number 5.3 million, including the 150,000 Swiss living abroad. People with the right to vote account for about 63.5 per cent of the resident population. Since 1991, when the voting age was lowered to 18, this proportion has varied between 64 and 68 per cent.

(d) Turnout in elections and votes

83. Turnout in elections to the National Council fell steadily in the twentieth century, reaching its lowest point in the mid-1990s, since when it has increased slightly. Since 2000, it has fluctuated between 45 and 49 per cent. The turnout in federal elections is on average higher than in elections to cantonal parliaments, but in the latter varies greatly between cantons. While in some, barely one third of registered voters vote in elections, in others turnout may be more than 60 per cent. It is usually higher when what is at stake is more controversial. Turnout in national elections in Switzerland is lower than in any other democratic country. There are several possible explanations, including the frequency of votes on specific subjects and that federal elections are considered less important than they are in other countries. The Swiss political system is not based on a cleavage between parties in government and in opposition, as the main parties are all represented in the Government (concordance of parties in the Federal Council).

84. The turnout in referendums is generally lower than in elections to the National Council, but there are exceptions to this where the subject is of greater interest to voters. Thus, since 1990, turnout has varied between 28 and 79 per cent. Since 2000, turnout in referendums has stabilized and even increased slightly (45 per cent).

(e) Parties in Parliament (2015)

85. The largest party in the National Council, or People's Chamber, is the Democratic Union of the Centre (DUC), with 65 seats. It is followed by the Socialist Party (SP) with 43 seats, the Liberal Radicals (LRP) with 33 seats, and the Christian Democrats (CDP) with 27 seats. These four parties are also represented in the Government, i.e. in the Federal

Council. The main non-governmental parties are the Greens (11 seats), and the two new centre parties — the Green-Liberal Party (GLP) and the Bourgeois Democratic Party (BDP) — with seven seats each. Five smaller parties have one or two seats each.

86. Each canton has two seats in the Council of States, except the half-cantons of Appenzell Ausserrhoden, Appenzell Innerrhoden, Basel-Landschaft, Basel-Stadt, Nidwald and Obwald, which have only one. The Liberal Radicals and the Christian Democrats have the most seats, with 13 each; the Socialists have 12, while the Democratic Union of the Centre, which dominates the National Council, has only five seats in the Council of States. The Greens and the Bourgeois Democrats have one seat each and there is one independent member.

	Elections to the National Council 2015		*Elections to the Council of States 2015*	
Party	*Seats*	*%*	*Seats*	*%*
LRP	33	16.5	13	28.3
CDP	27	13.5	13	28.3
SP	43	21.5	12	26.1
DUC	65	32.5	5	10.9
GLP	7	3.5	0	0.0
BDP	7	3.5	1	2.2
Greens	11	5.5	1	2.2
Others	7	3.5	1	2.2
Total	**200**	**100**	**46**	**100**

(f) The judiciary: the Federal Supreme Court

87. The Federal Supreme Court is the court of last instance for disputes between citizens, between cantons, between citizens and the State and between the Confederation and the cantons. In theory, its jurisdiction covers all areas of law: civil and criminal law, recovery of debt and bankruptcy law and public and administrative law, including social insurance law. The Court also protects citizens' constitutional rights.

88. By ruling at last instance on the decisions of the cantonal courts that are referred to it, the Federal Supreme Court helps to ensure that cantonal laws are in keeping with federal law and that federal law is uniformly applied. The Federal Supreme Court has to apply federal and international law (art. 190 of the Constitution).[23]

89. The Federal Supreme Court is currently (July 2016) composed of 38 judges, 12 women and 26 men. Three judges are Italian-speaking, 10 French-speaking and 25 German-speaking. A further 20 associate judges are also elected by the Federal Assembly. Currently, four are Italian-speaking, six French-speaking and ten German-speaking; nine are women. The associate judges are part-time members of the court and their main employment is as teachers, lawyers or judges in the cantons. They are generally called upon to replace a judge who has withdrawn from a case or who is sick or when the Court is overloaded. They have the same rights and duties as the ordinary judges in the proceedings in which they act.

4. Non-governmental and international organizations

90. Switzerland has a great many non-governmental organizations (NGOs), mainly working in the fields of education, social work, migration, environmental protection and human rights. NGOs do not need official authorization but they are regulated by the legislation on associations, which leaves much room for freedom of opinion and association. In Swiss law, there is thus no supervision of organizations when they are being

[23] RS 101.

set up. The civil law does, however, make provision for the dissolution of an association that pursues an unlawful or immoral purpose. Many NGOs receive financial assistance from the State under special laws. The framework conditions for such assistance are set out in the Subsidies Act.

91. Switzerland has hosted international organizations for over a century. It has so far concluded headquarters agreements with 25 such organizations: 22 are in Geneva, two in Bern and one in Basel. In addition, 250 NGOs that have consultative status with the United Nations have their headquarters in Switzerland.

III. General framework for the protection and promotion of human rights

A. Ratification of international human rights instruments

1. Universal international conventions (chronological)

Universal conventions	*Ratification status*	*Reservations, declarations, reports, optional procedures*
1907 Hague Convention	1910 Ratified 12 May 2010. In force since 11 July 1910 (RS 0.515, div.)	The Convention respecting the Laws and Customs of War on Land (RS 0.515.112)
1921 International Convention for the Suppression of the Traffic in Woman and Children, 30 September 1921	1926 Ratified 20 January 1926. In force since 1 February 1926 (RS 0.311.33)	
1926 Slavery Convention, 25 September 1926	1930 Ratified 1 November 1930. In force since 1 November 1930 (RS 0.311.37)	
1930 ILO Forced Labour Convention, 1930 (No. 29)	1940 Ratified 23 May 1940. In force since 23 May 1941 (RS 0.822.713.9)	
1948 Convention on the Prevention and Punishment of the Crime of Genocide, 9 December 1948	2000 Ratified 6 September 2000. In force since 6 December 2000 (RS 0.311.11)	
1948 ILO Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87)	1975 Ratified 25 March 1975. In force since 25 March 1976 (RS 0.822.719.7)	
1949 The four Geneva Conventions of 12 August 1949	1950 Ratified 31 March 1950. In force since 21 October 1950 (RS 0.518.12, 0.518.23, 0.518.42, 0.518.51)	
1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 2 December 1949	Not ratified	
1949 ILO Right to Organize and Collective Bargaining Convention, 1949 (No. 98)	1999 Ratified 17 August 1999. In force since 17 August 2000 (RS 0.822.719.9)	

Universal conventions	*Ratification status*	*Reservations, declarations, reports, optional procedures*
1951 Convention Relating to the Status of Refugees (Refugees Convention)	1955 Ratified 21 January 1955. In force since 21 April 1955 (RS 0.142.30)	1963 Withdrawal of reservation on art. 24, paras. 1(a) and 1(b) and 3 1972 Withdrawal of reservation on art. 17 1980 Complete withdrawal concerning art. 24, para. 1(a), 1(b)
1951 ILO Equal Remuneration Convention, 1951 (No. 100)	1972 Ratified 25 October 1972. In force since 25 October 1973 (RS 0.822.720.0)	
1954 Convention relating to the Status of Stateless Persons, 28 September 1954	1972 Ratified 3 July 1972. In force since 1 October 1972 (RS 0.142.40)	
1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 7 September 1956	1964 Ratified 28 July 1964. In force since 28 July 1964 (RS 0.311.371)	
1957 ILO Abolition of Forced Labour Convention, 1957 (No. 105)	1958 Ratified 18 July 1958. In force since 18 July 1959 (RS 0.822.720.5)	
1958 Discrimination (Employment and Occupation Convention), 1958 (No. 111) (with recommendation)	1961 Ratified 13 July 1961. In force since 13 July 1962 (RS 0.822.721.1)	
1960 UNESCO Convention against Discrimination in Education, 14 December 1960	Not ratified	
1961 Convention on the Reduction of Statelessness, 30 August 1961	Not ratified	
1965 International Convention on the Elimination of All Forms of Racial Discrimination, 21 December 1965	1994 Ratified 29 November 1994. In force since 29 December 1994 (RS 0.104)	The purpose of the reservation concerning article 4 (prohibiting all propaganda and all organizations which promote racial hatred and discrimination in any form) is to protect freedom of association. The result is that participation in a racist association is not punishable. Switzerland wishes to maintain its freedom of action regarding the admission of foreigners through the reservation concerning art. 2, para. 1(a). In June 2003, through its declaration of acceptance of article 14 (in force since 19 June 2003), Switzerland recognized the competence of the Committee to receive and consider communications from individuals or

Universal conventions	*Ratification status*	*Reservations, declarations, reports, optional procedures*
		groups of individuals.
1966 International Covenant on Economic, Social and Cultural Rights, 16 December 1966	1992 Ratified 18 June 1992. In force since 18 September 1992 (RS 0.103.1)	
1966 International Covenant on Civil and Political Rights, 16 December 1966	1992 Ratified 18 June 1992. In force since 18 September 1992 (RS 0.103.2)	The reservation concerning art. 10, para. 2(b), on the separation of juveniles and adults during detention pending trial has been withdrawn. Reservation concerning art. 12, para. 1, on freedom of movement and freedom to choose residence (not guaranteed for foreigners). The reservation concerning art. 14, para. 5, on the right to review of conviction and sentence by a higher tribunal was withdrawn in 2007. Reservation concerning art. 20 on prohibiting propaganda for war. Reservation concerning art. 25 (b) on the right to secret ballot (not guaranteed for *Landsgemeinden* elections or in communal assemblies). Reservation concerning art. 26 on equality before the law and non-discrimination; because of the unequal treatment of women and foreigners, Switzerland has restricted the scope of the general principle of non-discrimination provided by this article to the human rights guaranteed by this International Covenant.
1966 Optional Protocol to the International Covenant on Civil and Political Rights, 16 December 1966 (individual communications procedure)	Not ratified	The right to individual communication is regulated by the Optional Protocol to the International Covenant on Civil and Political Rights. Switzerland has not ratified this first Optional Protocol.
1967 Protocol relating to the Status of Refugees, 31 January 1967	1968 Ratified on 20 May 1968. In force since 20 May 1968 (RS 0.142.301)	
1973 International Convention on the Suppression and Punishment of the Crime of Apartheid, 30 November 1973	Not signed	
1977 Additional Protocols to the Geneva Conventions of 1949, 8 June 1977	1982 Ratified 17 February 1982. In force since 17 August 1982 (RS 0.518.521 and 0.518.522)	
1979 Convention on the	1997 Ratified 23 March 1997. In	The reservation concerning art. 7 (b)

Universal conventions	*Ratification status*	*Reservations, declarations, reports, optional procedures*
Elimination of All Forms of Discrimination against Women, 18 December 1979	force since 26 April 1997 (RS 0.108)	(right to perform all public functions on equal terms with men) was withdrawn in 2004 (Swiss military legislation prohibited women performing functions involving armed conflict other than self-defence). The reservation concerning art. 16, para. 1(g), on equal rights of husband and wife in choice of the family name (art. 160 of the Civil Code) was withdrawn in 2013. Reservation concerning art. 15, para. 2 (identical legal capacity), and art. 16, para. 1(h) (the same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property), because, when the Marriage Act was amended in 1984, the various transitional provisions of the marriage settlement enabled spouses married under the old law to maintain their regime under the former legislation.
1984 Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, 10 December 1984	1986 Ratified 2 December 1986. In force since 26 June 1987 (RS 0.105)	Switzerland acknowledges the competence of the Committee against Torture in accordance with articles 21 and 22 of the Convention.
1989 Convention on the Rights of the Child, 20 November 1989	1997 Ratified 24 February 1997. In force since 26 March 1997 (RS 0.107)	The reservation concerning art. 5 on parental authority was withdrawn in 2004. Since the entry into force of the amendments to the Nationality Act, stateless children who have lived in Switzerland for five years may apply for facilitated naturalization regardless of their place of birth. The reservation concerning art. 7 was therefore withdrawn in 2007. Reservation concerning art. 10, para. 1, on family reunification (Swiss legislation on foreigners does not permit family reunification for certain groups and categories of foreigners). Reservation concerning art. 37 (c) on conditions of deprivation of liberty (separation from adults is not guaranteed in all cases). Withdrawal of the reservation concerning art. 40, para. 2(b)(vi), guaranteeing free assistance by an

Universal conventions	*Ratification status*	*Reservations, declarations, reports, optional procedures*
		interpreter took effect in 2004. The reservation concerning art. 40, para. 2(b)(v), on the right to have a conviction reviewed by a higher judicial body was withdrawn in 2007. The reservation concerning art. 40, para. 2(b)(ii) and (iii), (no unconditional right to assistance and no separation between the investigating authority and the trial authority). Such separation would be contrary to Swiss legal tradition since most cantons consider it in the child's interest for the same person to investigate and try the case. Withdrawal of this reservation is unlikely to be possible.
1989 Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, 15 December 1989	1992 Ratified 16 June 1992. In force since 16 September 1992 (RS 0.103.22)	
1990 International Convention on the Rights of All Migrant Workers and Members of their Families, 18 December 1990	Not signed	
1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, 18 September 1997	1998 Ratified 24 March 1998. Entry into force 1 March 1999 (RS 0.515.092)	
1998 Rome Statute of the International Criminal Court, 17 July 1998	2001 Ratified 12 October 2001. Entry into force 1 July 2002 (RS 0.312.1)	In accordance with art. 103, para. 1, of the Statute, Switzerland declares its willingness to accept for execution custodial sentences imposed by the Court on Swiss nationals or persons usually resident in Switzerland.
1999 Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, 6 October 1999 (individual communications procedure)	2008 Ratified 29 September 2008. In force since 29 December 2008 (RS 0.108.1)	
1999 ILO Worst Forms of Child Labour Convention, 1999 (No. 182)	2000 Ratified 9 May 2000. In force since 28 June 2001 (RS 0.822.728.2)	

Universal conventions	*Ratification status*	*Reservations, declarations, reports, optional procedures*
2000 United Nations Convention against Transnational Organized Crime and the protocols thereto	2006 Ratified 27 October 2006. Entry into force 26 November 2006 (RS 0.311.54)	
2000 Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, 25 May 2000	2002 Ratified 26 June 2002. In force since 26 July 2002 (RS 0.107.1)	
2000 Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, 25 May 2000	2006 Ratified 19 September 2006. In force since 19 October 2006 (RS 0.107.2)	
2002 Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, 18 December 2002	2009 Ratified 24 September 2009. In force since 24 October 2009 (RS 0.105.1)	
2006 Convention on the Rights of Persons with Disabilities, 13 December 2006	2014 Ratified 15 April 2014. In force since 15 May 2014 (RS 0.109)	
2006 Optional Protocol to the Convention on the Rights of Persons with Disabilities, 13 December 2006	Not ratified	
2006 International Convention for the Protection of All Persons from Forced Disappearance, 20 December 2006	Signed 19 January 2011. Ratification in preparation	On 18 December 2015, the Federal Chambers adopted the Federal Council decision on ratification.
2008 Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, 10 December 2008	Not signed	The main point at issue is the fundamental question of the enforceability of economic, social and cultural rights.
2011 Third Optional Protocol to the Convention on the Rights of the Child on a communications procedure, 19 December 2011	Not signed, ratification in preparation	

2. Regional human rights conventions (chronological)

European conventions	*Ratification status*	*Reservations, declarations, reports, optional procedures*
1950 Convention for the Protection of Human Rights and Fundamental Freedoms, 4 November 1950 (European Convention on Human Rights (ECHR))	1974 Ratified 28 November 1974. In force since 28 November 1974 (RS 0.101)	In 2000, Switzerland withdrew its reservations and interpretative declarations on art. 6 (Federal Decree of 8 March 2000, RO 2002 1142)
1952 Protocol to the ECHR, 20 March 1952 (protection of property, right to education, commitment of Contracting Parties to hold free elections by secret ballot)	Signed 19 May 1976	
1961 European Social Charter, 18 October 1961	Signed 6 May 1976	
1963 Protocol No. 4 to the ECHR (prohibiting imprisonment for debt; freedom to choose residence and to leave any country, including one's own; prohibiting collective expulsion of aliens)	Not signed	
1981 Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, 28 January 1981	1997 Ratified 2 October 1997. In force since 1 February 1998 (RS 0.235.1)	
1983 Protocol No. 6 to the ECHR concerning the abolition of the death penalty, 28 April 1983	1987 Ratified 13 October 1987. In force since 1 November 1987 (RS 0.101.06)	
1984 Protocol No. 7 to the ECHR, 22 November 1984 (procedural guarantees in the event of expulsion of aliens; right not to be convicted twice for the same offence; equal rights of spouses)	1988 Ratified 24 February 1988. In force since 1 November 1988 (RS 0.101.07)	Reservation on art. 1 concerning primacy of a Federal Council decision on grounds of threat to internal or external security. Reservation on art. 5 concerning arts. 160 and 8 (a) final section of the Civil Code (family name), arts. 161, 134 (1), 149 (1) and 8 (a) final section of the Civil Code (acquisition of the right of citizenship) and arts. 9, 9 (a), 9 (c), 9 (d), 9 (e), 10 and 10 (a) final section of the Civil Code (provisions of the transitional law on marriage settlement).

European conventions	*Ratification status*	*Reservations, declarations, reports, optional procedures*
1987 European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, 26 November 1987 (European Convention against Torture)	1988 Ratified 7 October 1988. In force since 1 February 1989 (RS 0.106)	
1988 Additional Protocol to the European Social Charter Providing for a System of Complaints, 5 May 1988 (equality between women and men in working life; workers' right to information; right of the elderly to social protection)	Not signed	
1992 European Charter for Regional or Minority Languages, 5 November 1992	1997 Ratified 23 December 1997. In force since 1 April 1998 (RS 0.441.2)	
1993 Protocols No.1 and No. 2 to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, 4 November 1993	1994 Ratified 9 March 1994. In force since 1 March 2002 (RS 0.106)	
1995 Framework Convention for the Protection of National Minorities, 1 February 1995	1998 Ratified 21 October 1998. In force since 1 February 1999 (RS 0.441.1)	Switzerland declares that in Switzerland national minorities within the meaning of the Framework Convention are groups of individuals numerically inferior to the rest of the population of the country or of a canton, whose members are Swiss nationals, have long-standing, firm and lasting ties with Switzerland and are guided by the will to safeguard together what constitutes their common identity, including their culture, their traditions, their religion or their language. Switzerland declares that the provisions of the Framework Convention governing the use of the language in relations between individuals and administrative authorities are applicable without prejudice to the principles observed by the Confederation and the cantons in the determination of official languages.
1996 European Convention on the Exercise of Children's Rights, 25 January 1996	Not signed	
1996 European Agreement relating to Persons Participating in	1998 Ratified 27 August 1998. In force since 1 January 1999	The provisions of art. 4, para. 2(a), of the Agreement shall not apply to

European conventions	*Ratification status*	*Reservations, declarations, reports, optional procedures*
Proceedings of the European Court of Human Rights, 5 March 1996	(RS 0.101.3)	Swiss nationals prosecuted or convicted in Switzerland for a serious offence against the State, national defence or the defensive power of the country.
1996 European Social Charter (revised), 3 May 1996	Not signed	
1997 European Convention on Nationality, 6 November 1997	Not signed	
1997 European Convention on Human Rights and Biomedicine, 4 April 1997	2008 Ratified 24 July 2008. In force since 1 November 2008 (RS 0.810.2)	
1998 Additional Protocol to the European Convention on Human Rights and Biomedicine, 12 January 1998	2008 Ratified 24 July 2008. In force since 1 November 2008 (RS 0.810.21)	
2000 Protocol No. 12 to the ECHR, 4 November 2000 (general prohibition of discrimination)	Not signed	
2001 Additional Protocol to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, 8 November 2001	2007 Ratified 20 December 2007. In force since 1 April 2008 (RS 0.235.11)	
2002 Protocol No. 13 to the ECHR, 3 May 2002 (prohibiting the death penalty)	2002 Ratified 3 May 2002. In force since 1 July 2003 (RS 0.101.093)	
2004 Protocol No. 14 to the ECHR, 13 May 2004 (amending the control system of the Convention)	2006 Ratified 25 April 2006. In force since 1 June 2010 (RS 0.101.094)	
2005 Council of Europe Convention on Action against Trafficking in Human Beings, 16 May 2005	2012 Ratified 17 December 2012. In force since 1 April 2013 (RS 0.311.543)	Pursuant to art. 45 of the Convention, Switzerland reserves the right not to apply art. 31, para. 1(d), to stateless persons.

European conventions		*Ratification status*	*Reservations, declarations, reports, optional procedures*
2007	Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, 25 October 2007	2014 Ratified 18 March 2014. In force since 1 July 2014 (RS 0.311.40)	Based on art. 20, para. 3, second indent, of the Convention, Switzerland reserves the right not to apply art. 20, paras. 1a and e, of the Convention to the production and possession of pornographic material involving children who have reached the age set in application of art. 18, para. 2, where these images are produced and possessed by them with their consent and solely for their own private use. Based on art. 24, para. 3, of the Convention, Switzerland reserves the right not to apply art. 24, para. 2, to the act of solicitation within the meaning of art. 23 of the Convention. Based on art. 25, para. 3, of the Convention, Switzerland reserves the right not to apply art. 25, para. 1.e, of the Convention.
2011	Council of Europe Convention on Preventing and Combatting Violence against Women and Domestic Violence	Signed 11 September 2013	

B. Legal framework for the protection of human rights at the national level

1. Legislation

(a) Constitutional protection of human rights

92. The Federal Constitution contains a complete set of fundamental rights. The common feature of these rights is their enforceability. The Constitution expressly provides for:

- Human dignity (art. 7);
- Equality before the law and non-discrimination (art. 8);
- Protection from arbitrary conduct and observance of the principle of good faith (art. 9);
- The right to life and personal freedom (art. 10);
- The protection of children and young people (art. 11);
- The right to assistance when in need (art. 12);
- The right to privacy (art. 13);
- The right to marriage and a family (art. 14);
- Freedom of religion and conscience (art. 15);
- Freedom of opinion and information (art. 16);
- Freedom of the media (art. 17);

- Freedom to use any language (art. 18);
- The right to basic education (art. 19);
- Academic freedom (art. 20);
- Freedom of artistic expression (art. 21);
- Freedom of assembly (art. 22);
- Freedom of association (art. 23);
- Freedom of domicile (art. 24);
- Protection against expulsion, extradition and deportation (art. 25);
- The right to property (art. 26);
- Economic freedom (art. 27);
- Trade union freedom and the right to strike (art. 28);
- General procedural safeguards (art. 29);
- The right to access to a judge (art. 29 (a));
- Specific guarantees regarding legal proceedings (art. 30);
- Guarantees regarding deprivation of liberty (art. 31);
- The right to a fair trial (art. 32);
- The right of petition (art. 33);
- Political rights (art. 34).

93. Fundamental rights must be upheld throughout the legal system (art. 35, para. 1, of the Constitution).[24] Any restriction on fundamental rights must have a legal basis. The requirement for a legal basis is not limited to the formal nature but, according to case law, also requires the substantive explicitness of the applicable legal norms. Significant restrictions must have a basis in law, except in cases of serious and immediate danger. In addition, any restriction of a fundamental right must be justified by public interest or serve to protect the fundamental rights of others and must be in proportion to the goals pursued. Moreover, the essence of fundamental rights is inviolable (art. 36 of the Constitution).[25] It should be noted here that the Federal Supreme Court has set out in detail the conditions for any restriction in its abundant case law on the matter.

94. The principle of "general police power" provided for in article 36, paragraph 1, of the Constitution,[26] is an exception to the rule that any restriction on an individual freedom must have an explicit legal basis. The Federal Supreme Court recognizes that the executive is authorized, on the basis of general police power, to take the measures required to re-establish law and order during serious disturbances or for protection from clear and present danger, even in the absence of any legal basis. Article 185 of the Constitution[27] gives the Federal Council power to promulgate orders and urgent police decrees. In order to prevent abuses and any violation of the principle of the rule of law, the Federal Supreme Court tightly monitors the way that power is used. Similarly, the period of validity of such orders and urgent police decrees is strictly limited (Constitution, art. 185, para. 3).[28]

95. As each canton has its own constitution, there are also sets of fundamental freedoms at cantonal level. The Federal Supreme Court accords them autonomous scope only in the very rare cases in which the protection they afford is greater than that afforded by the Federal Constitution.

[24] RS 101.
[25] RS 101.
[26] RS 101.
[27] RS 101.
[28] RS 101.

96. The substantive provisions of the European Convention on Human Rights (ECHR),[29] ratified by Switzerland in 1974, supplements constitutional rights. These guarantees, like the rights enshrined in the Constitution, are self-executing. The legislature, the courts and the government departments of the Confederation and the cantons are bound by them and citizens may rely upon them.

97. In its report "40 years on from Swiss accession to the ECHR: Results and prospects", published in 2014, the Swiss Government noted the many positive effects of the Convention on Swiss law in recent decades. The report sets out the circumstances of Swiss accession to the ECHR and the actual influence the Convention and the case law of the European Court of Human Rights have had on Switzerland (cf. *40 ans d'adhésion de la Suisse à la CEDH: Bilan et perspectives, rapport du Conseil fédéral en exécution du postulat Stöckli 13.4187 du 12 décembre 2013*).

98. Switzerland has ratified other human rights treaties. The degree to which violation of them can be relied upon before the national courts depends on the direct applicability of the specific rule. For example, articles 6 to 27 of the International Covenant on Civil and Political Rights of 16 December 1966[30] guarantee classic human rights. These are self-executing and are handled by the Federal Supreme Court in the same way as the rights enshrined in the European Convention on Human Rights. Conversely, in many cases the Federal Supreme Court presumes that the international obligations arising from other international treaties are more soft law in nature, that they need to be made explicit and implemented by the legislator and do not in theory establish rights that can be relied up in court.

99. Under article 165 of the Constitution,[31] federal legislation with no constitutional basis can, if necessary, be declared urgent and brought into force immediately. It must, however, be approved by the people and the cantons within one year of its adoption by Parliament. This provision seeks to ensure a balance between the need to bring a law into force without delay and the wish to limit the degree to which doing so restricts or harms democratic rights, especially fundamental freedoms.

100. Between 2000 and 2015, a total of 29 Acts were declared urgent under article 165 of the Constitution, including the recent Federal Act of 12 December 2014, the Prohibition of Al-Qaeda, Islamic State and Similar Organizations Act,[32] and the Federal Act of 28 September 2012, the Epidemics Act.[33]

101. Last, it is recalled that, since 1974, any derogation from fundamental freedoms must comply with the requirements of article 15 of the European Convention on Human Rights[34] and, since 1992, with article 4 of the International Covenant on Civil and Political Rights.[35] Switzerland has not yet had recourse to the possibilities of derogation provided for in these provisions.

(b) Incorporation of international human rights instruments

102. In the Swiss legal tradition, an international treaty ratified by the Federal Council is part of Swiss law from the date of its entry into force in Switzerland, without there being any need to transpose it into domestic law by adopting a special Act. This principle flows from article 190 of the Constitution,[36] which provides that the Federal Supreme Court is bound to apply federal laws and international law, and article 189, paragraph 1(b) of the

[29] RS 0.101.
[30] RS 0.103.2.
[31] RS 101.
[32] RS 122.
[33] RS 818.101.
[34] RS 0.101.
[35] RS 0103.2.
[36] RS 101.

Constitution,[17] which provides that the Federal Supreme Court is competent to hear disputes concerning violations of international law.

103. The Federal Supreme Court in principle acknowledges the primacy of international law, while recognizing certain exceptions. In principle, international law prevails over national legislation unless the Federal Assembly has knowingly adopted a law that is contrary to international law; in this case, it is this (later) provision that is applied (the Schubert case). The human rights guaranteed by international law nonetheless systematically prevail over federal laws (the PKK case; cf. *Clarifier la relation entre le droit international et le droit interne, rapport du Conseil fédéral en exécution du postulat 13.3805, 12 juin 2015*).

2. Competence of judicial, administrative and other authorities in the field of human rights

a) Degree to which the provisions of human rights instruments can be relied upon before the national courts

104. As already pointed out, an international treaty adopted by Parliament takes effect as soon as it enters into force, not only internationally but also internally, in that it immediately becomes part of Swiss law. In addition, insofar as they are self-executing, the provisions of an international treaty may be relied upon by citizens in the courts and constitute the basis for decisions taken by the authorities. This presupposes that the provision of international public law relied upon has a sufficiently clear and tangible content to form the basis of a decision. Provisions that are not self-executing must be made explicit and given appropriate form by the national legislature.

105. In the final analysis, it is for the courts to determine in each case whether or not a provision of an international treaty is self-executing.

(b) Popular initiatives

106. In recent years, the people and the cantons have several times accepted popular initiatives that raised an issue of compatibility with certain provisions of international law: the initiative on life imprisonment for persons convicted of sex offences and violent crimes who are considered very dangerous and not responsive to rehabilitation (accepted on 8 February 2004); the popular initiative on prohibiting the building of minarets (accepted 29 November 2009); and the popular initiative on returning foreign criminals to their country of origin (accepted 28 November 2010).

107. These popular initiatives brought out a conflict between the right of initiative and international law. This has made the relationship between international law and domestic law an important issue in political debate. These controversies are often accompanied by criticisms of the powers exercised by the European Court of Human Rights and some of the Court's judgments. In response to two motions, the Federal Council proposed measures to ensure greater compatibility of popular initiatives with fundamental rights but, because of their critical reception during the consultation phase, it was considered preferable not to follow them up. Nonetheless, Parliament continues its efforts to find an appropriate solution likely to satisfy a political majority.

3. Remedies

108. The federal structure results in a complex web of competences between Confederation and cantons. While legislation in civil and criminal matters has long been the responsibility of the Confederation, procedural law in these areas was in the past essentially regulated by the cantons. Until 31 December 2010, there was a civil procedure and a criminal procedure in each of the 26 cantons and at federal level. The reform of the judicial system accepted by the people and the cantons in 2000 gave the Confederation competence for all civil and criminal procedural law. Since 1 January 2011, the Code of Civil Procedure

[17] RS 101.

of 19 December 2008,[38] the Swiss Code of Criminal Procedure of 5 October 2007[39] and the Federal Act of 20 March 2009, the Juvenile Criminal Procedure Act[40] have been in force and apply to the whole country. The cantons still have competence for the organization of the courts, however, so that there is still some diversity in this respect. Each canton and the Confederation has its own procedure for administrative matters.

(a) Criminal matters

109. Substantive criminal law is essentially unified in the Criminal Code,[41] which has been revised several times.

110. According to the Swiss Code of Criminal Procedure,[42] the main stages of criminal procedure at first and second instance are:

- Preliminary procedure: the preliminary procedure is commenced by the police investigation or by the opening of a judicial investigation by the prosecuting authorities. The purpose is to establish whether or not there is sufficient evidence that an offence has been committed.
- Closure of the case, a sentencing order or committal for trial: if the conditions for a sentencing order or committal for trial do not obtain, the investigation is in principle closed once and for all. If the prosecuting authorities consider that the evidence gathered by the investigation is sufficient and that a sentencing order cannot be issued, the suspect(s) will be committed for trial before the competent court. Under certain conditions, the prosecuting authorities may, for minor offences, close the proceedings by issuing a sentencing order.
- Main procedure: the main procedure takes place in the first instance court and ends with a judgment.
- Appeal procedure: An appeal (by the convicted person, the party claiming damages or the prosecuting authorities) may be lodged against the judgment.

111. Under the Act of 17 June 2005, the Federal Supreme Court Act,[43] the Court rules on appeals in criminal matters against last instance cantonal judgments and judgments of the Federal Criminal Court. This remedy is possible only if the previous authority has violated federal criminal law. As in civil cases, the facts cannot in principle be reviewed. Civil claims that must be dealt with in the framework of a criminal case can be set out in the same statement of grounds of appeal.

112. The Criminal Division of the Federal Criminal Court in Bellinzona deals at first instance with offences over which it has jurisdiction (for example, terrorism, bombings, spying, high treason, money laundering, organized crime and economic crime). Appeals against its judgements may be brought before the Federal Supreme Court. The first Complaints Division of the Federal Criminal Court is also competent to hear appeals against actions or omissions of Confederation prosecutors and to settle disputes about jurisdiction. Appeal against judgments concerning coercive measures lies with the Federal Supreme Court. The second Complaints Division rules on petitions on international mutual assistance in criminal matters. There is only a limited possibility of appeal against its decisions to the Federal Supreme Court.

113. Serving members of the military and officials and employees of the Confederation and the cantons whose acts relate to national defence, and civilians guilty of offences against international public law during an armed conflict are subject to military law and the military courts, provided the acts in question are punishable under the Military Criminal

[38] RS 272.
[39] RS 312.0.
[40] RS 312.1.
[41] RS 311.0.
[42] RS 312.0.
[43] RS 173.110.

Code of 13 June 1927.[44] These are not, however, a special law or special courts (formal basis in the Code of Military Criminal Procedure of 23 March 1979)[45] since the procedure followed is very similar to that of the ordinary courts. The ordinary Criminal Code and the Military Criminal Code contain many identical provisions, including the rule against racial discrimination adopted in 1994 (art. 261*bis* of the Criminal Code[46] and art. 171 (c) of the Military Criminal Code).[47] Persons subject to military criminal law may, however, be tried by civil courts for offences not covered by the Military Criminal Code.

114. Since 2007, the criminal law applicable to children and adolescents has been separate from the criminal law covering adults. The age of criminal majority or responsibility is set at ten years (art. 3 of the Federal Act of 20 June 2003, the Juvenile Crime Act).[48] Children under ten years who commit an offence are not therefore punishable under criminal law. The Juvenile Crime Act aims first to protect and educate young people. For this reason, in juvenile cases the courts often do not impose a sentence in the strict sense of the word but order therapeutic or educational measures. Appeals against the judgments of last instance cantonal courts may be taken to the Federal Supreme Court.

(b) Civil matters

115. Substantive civil law is essentially codified in the Swiss Civil Code of 10 December 1907[49] and the Swiss Code of Obligations of 30 March 1911,[50] which have been amended and revised several times and are supplemented by a number of special laws.

116. In the ordinary procedure, litigants who wish to bring a civil case in Switzerland lodge an application with the competent first instance court. This procedure on the merits is usually preceded by an attempt at conciliation before a conciliation authority to settle the dispute out of court. The other party submits a response. When the circumstances so justify, the court may order a second exchange of pleadings or investigative hearings. Each party must adduce evidence of the facts they allege. In the main proceedings, the parties then present and justify their conclusions and the court takes evidence. The parties may then give their opinion on the taking of evidence and on the case. After assessing the evidence or when the court is ready to rule on the case, it ends the proceedings with a decision on the merits or a decision of inadmissibility.

117. Under certain conditions, an appeal may be lodged against the decision of the first instance court to the second instance cantonal court, which allows the higher court to review the whole case (application of the law and ascertainment of the facts). When an appeal is not possible, the ruling may also be challenged before the second instance court through proceedings restricted to an examination of the application of the law. The facts may nonetheless be reviewed if the ascertainment is manifestly wrong.

118. The Federal Supreme Court rules on appeals against judgments of last instance cantonal courts under article 72 *et seq.* of the Federal Supreme Court Act.[51] In pecuniary matters, in the context of a civil appeal, the Federal Supreme Court can review the application of the federal law in cases where the sum at issue is at least 30,000 francs, except in cases involving employment law or rental law, where the minimum sum is 15,000 francs. Regardless of the sum at issue, access to the Federal Supreme Court is always guaranteed when a legal principle is at issue. In civil appeals, it can also examine judgments in bankruptcy cases and public law judgments directly related to the civil law.

[44] RS 321.0.
[45] RS 322.1.
[46] RS 311.0.
[47] RS 321.0.
[48] RS 311.1.
[49] RS 210.
[50] RS 220.
[51] RS 173.110.

(c) Administrative matters

119. At the cantonal level, appeals against decisions taken by the government may usually be taken to an executive body, an independent appeals commission or an administrative tribunal. Several cantons have incorporated their administrative courts in the second instance courts.

120. The former federal appeals commissions and the departmental appeals services have been replaced by the Federal Administrative Court, which has had its headquarters in St. Gallen since 2012. This court hears at first instance appeals against decisions of federal government departments: for example, those concerning the recruitment of federal employees, federal taxes, customs and asylum applications. Some of the judgments of the Federal Administrative Court may be the subject of an appeal to the Federal Supreme Court.

121. At the cantonal level, a party wishing to challenge a decision of the government or of an internal governmental appeals body may lodge an appeal with the Administrative Court, which issues a ruling after it has heard the point of view of the body concerned. If the dispute concerns the application of federal law, the case can in principle be taken to the Federal Supreme Court through an appeal on a point of public law (art. 82 of the Federal Supreme Court Act).[52]

(d) Subsidiary constitutional appeal

122. In the context of the appeals submitted to it, the Federal Supreme Court also deals with complaints of violation of citizens' constitutional rights. When none of the ordinary channels of appeal is admissible (for example, when the sum at issue is insufficient), the violation of constitutional rights in a cantonal judgment may be challenged through a subsidiary constitutional appeal (arts. 113 *et seq.* of the Federal Supreme Court Act).[53]

4. International mechanisms that examine the complaints of private citizens

123. Switzerland has accepted several mechanisms that examine complaints and plays an active role in strengthening their development. Private individuals who assert that Switzerland has violated their rights may, after exhausting domestic remedies, take their case to the Committee on the Elimination of Racial Discrimination (CERD), the Committee on the Elimination of Discriminations against Women (CEDAW) or the Committee Against Torture (CAT). Moreover, Switzerland has prepared its accession to the Third Optional Protocol to the United Nations Convention on the Rights of the Child on a procedure for the submission of individual communications to the Committee on the Rights of the Child (CRC) (see IV.B below).

124. At the regional level, Switzerland has accepted the competence of the European Court of Human Rights, which plays a crucial role in the Swiss judicial system. The activity of the Strasbourg Court has, in effect, contributed to the Federal Supreme Court case law on fundamental rights — in part and for many years were not codified — and influenced the set of fundamental rights enshrined in the current Constitution (cf. III.B.1 above and IV.B below).

C. Framework for the promotion of human rights at the national level

1. National institutions for the defence and protection of human rights

125. Generally, respect for and protection of human rights are the responsibility of all the authorities at the federal and cantonal levels and also of police forces and the judicial authorities (see art. 35 of the Constitution).[54]

[52] RS 173.110.
[53] RS 173.110.
[54] RS 101.

126. Various governmental units competent to protect human rights in specific fields have been set up at the federal and cantonal levels. At the federal level, these include:

- The Federal Bureau for Equality between Women and Men;
- The Federal Bureau for Equality for People with Disabilities;
- The Anti-Racism Department; and
- Other similar units in federal government departments (especially in the Federal Department of Foreign Affairs and the Justice and Police Department) and in many cantons.

127. To these, can be added the corresponding extra-parliamentary commissions, including the Federal Migration Commission, the Federal Commission for Women's Issues, the Federal Commission for Childhood and Adolescence, the Federal Coordinating Commission for Family Issues and the Federal Commission against Racism. These were put in place by the Federal Council and perform a critical role for the Government through the inclusion of civil society and various political players.

128. The various bodies mentioned have several tasks: they may support and advise the people concerned, perhaps take the role of mediator or send a person to another body, depending on his or her problems.

(a) Centre of Expertise in Human Rights

129. On 1 July 2009, the Federal Council adopted a report entitled "Establishment of a federal human rights commission: Possibility, timeliness, alternatives", which noted that there was a need for support and services on human rights.

130. The Swiss Centre of Expertise in Human Rights was then established as a pilot project under the remit of the Confederation.

131. The Centre centralizes services with expertise in the human rights field, particularly on migration, the police and justice, gender policy, child and youth policy, institutional issues and the economy. It provides studies that focus on practices, expert opinions, seminars, training courses and information. In doing so it seeks to help to strengthen the capacities of the various stakeholders involved in promoting and protecting human rights in Switzerland and to encourage public debate on the subject. Its services are for the authorities, NGOs and economic stakeholders. It has an annual budget of one million francs.

132. The mandate of the Centre, initially limited to a pilot period from 2011 to 2015, has been extended for five years by the Federal Council. The Centre continued its activities at the beginning of 2016, pending the establishment of a new institution or for a maximum of five years. In June 2016, the Federal Council entrusted to the Department of Foreign Affairs and the Department of Justice and the Police the task of preparing, by June 2017, a federal bill establishing a permanent, independent institution.

(b) Mediator

133. Several cantons and cities have appointed a mediator,[55] who is elected by parliament, independent of the authorities and acts as a neutral intermediary between citizen and the authorities.

134. Since the 1970s, there have been several plans to set up a mediation body at the federal level. In the summer of 2002, having re-examined the question, the Federal Council considered that each government department had a duty to adopt an attitude respectful of citizens and that this duty could not be delegated to a federal mediation body. In 2003, the National Council Political Institutions Commission nonetheless adopted a draft federal bill on the establishment of a federal mediation office that sought principally to

[55] Currently in five cantons (Basel-Landschaft, Basel-Stadt, Zurich, Vaud and Zug) and six cities (Bern, Lucerne, Winterthour, Zurich, St. Gallen and Rapperswil-Jona).

strengthen citizens' trust in the federal authorities. This office was to conduct interviews, make recommendations and proposals for out-of-court settlements, but would have no decision-making power. The Commission dropped the idea in 2004.

2. Dissemination of human rights instruments

135. The United Nations treaties on human rights ratified by Switzerland are published in Italian, French and German on the Confederation website (www.admin.ch).

136. Some treaties, such as the Convention on the Rights of the Child, have also been translated into Romansch, the fourth national language.[56]

137. In addition, the Federal Department of Foreign Affairs has published the pamphlet "ABC of human rights", which contains a brief history and sets out the main legal bases of international law on the protection of human rights, current issues and the commitment of Switzerland. It can be downloaded free of charge and is intended to explain human rights to a wide public.

138. Moreover, selected judgments of the European Court of Human Rights concerning Switzerland and other countries are published on the website of the Federal Office of Justice.

139. When the Federal Council wishes to ratify a treaty, it invites the stakeholders (cantons, political parties, higher schools, NGOs, etc.) to take a position. After this consultation, it decides whether or not to submit the treaty to Parliament for approval. If it decides to do so, it publishes a memorandum to the Federal Assembly in which it explains the scope and consequences of ratification. This memorandum is published in the *Feuille fédérale*, the official gazette of the Confederation, and is thus accessible by all. The parliamentary debates on the proposed ratification are also published and publicized by the media. The ratification of a treaty often gives rise to discussions at conferences, study days and seminars organized by the higher schools and other institutions.

3. Raising human rights awareness through educational programmes and disseminating information with the support of the authorities

140. The Swiss Centre of Expertise in Human Rights is also active in continuing training and raising awareness on human rights, for example though seminars and publications intended mainly for the authorities and organizations, but also for the general public.

141. In the field of human rights and combatting racism, the Confederation supports Foundation Education 21 in the production and dissemination to schools of teaching aids and materials for different age groups. It also offers relevant continuing training for teachers. Also active in this field are institutions such as the Human Rights Training Centre of the Higher Teacher-Training School in Lucerne, which disseminates to schools and teachers the basics and practical experiences in human rights education, and Geneva University, which has a rights of the child department.

142. The dissemination of information and training on the Convention on the Rights of the Child[57] take place within the framework of annual assemblies of the Conference of cantonal officials responsible for child protection and youth aid (CPEAJ) and the Conference of cantonal delegates for the promotion of childhood and youth (CPEJ). The committees of the two conferences, whose members represent the four linguistic regions of Switzerland, meet four time a year. Information exchange and the development of the expertise of Confederation and cantons in relation to childhood and youth policy are regulated by the Federal Act of 30 September 2011, Encouragement of Childhood and Youth Act (arts. 18, 20 and 21).[58]

[56] RS 0.107.
[57] RS 0.107.
[58] RS 446.1.

143. Public information and awareness-raising to combat discrimination are an important objective of cantonal integration programmes. With regard to advice and in order to fight against discrimination the Confederation and the cantons have set the following objectives, among others:

- The public is informed about the particular situation of foreigners, the objectives and basic principles of integration policy and the encouragement of integration;
- Institutions, ordinary bodies and stakeholders are informed and advised on fighting discrimination;
- People who suffer discrimination as a result of their origin or ethnicity receive advice and support.

4. Civil society and non-governmental organizations

144. Civil society and NGOs, many of which receive assistance or support for projects from the Confederation, play a decisive role in promoting human rights.

145. NGOs monitor the initiatives of the authorities and subject them to critical scrutiny. They draft alternative reports for committees, see that government reports and concluding observations are disseminated, comment on them and contact the authorities concerned in order to guarantee improved implementation of recommendations. In addition, they play an important part in raising public awareness through publications, seminars and events and see that conventions are disseminated both in Switzerland and abroad.

146. In cooperation with NGOs, civil society, represented by numerous organizations, is firmly committed to promoting human rights. Recently, for example, it has played a very significant role in mobilizing voters to reject the proposal to return foreign criminals to their countries (referendum in February 2016).

5. Budget allocation

147. In Switzerland, human rights are systematically taken into account in every area of government. They are not the subject of a specific budget line but are financed under many headings of the national budget, including education, health and health care, social protection and the administration of the courts.

6. Overseas development assistance

148. Under the Constitution, the promotion of peace and respect for human rights is a goal of Swiss foreign policy and as such is of major importance.

149. In the framework of its humanitarian remit, the objective of Swiss overseas development assistance is to promote respect for and protection of human rights and international humanitarian law. In addition, in priority countries or regions, overseas development assistance contributes to strengthening human rights. Taking human rights into account, especially in sensitive contexts, is an explicit objective in order to help prevent violence. The corresponding outline credits for overseas development are renewed every four years and approved by Parliament.

150. In February 2016, the Federal Department of Foreign Affairs adopted a human rights strategy *(Stratégie Droits de l'homme 2016–2019)*, which for the first time provided a specific frame of reference for Switzerland's international commitment to human rights. It sets out the country's principles and objectives in this field and is based on the country's values and expertise, such as dialogue, seeking consensus, protecting minorities, solidarity, the humanitarian tradition and the tradition of good offices and mediation. On this basis, the strategy outlines the specific contribution Switzerland can make to promoting respect for human rights in the world.

151. In 2004, Parliament for the first time adopted a Federal Act aimed at putting in place practical measures to promote peace and human rights. Among other things, it agreed to introduce an initial outline credit, renewable every four years. The most recent credit was 310 million francs for the period 2012–2016. The Memorandum on International Cooperation 2017–2020 will make it possible to refine still further the human rights

dimension of overseas development assistance, humanitarian aid and Switzerland's foreign policy in general.

152. Switzerland played an active part in drafting the 2030 Agenda for Sustainable Development, taking as a basis the principles of respect for human rights, respect for planetary boundaries, inclusion and social equality, universality and political coherence. Goal 16, which aims to promote peaceful and inclusive societies, places access to justice and responsible governance at the centre of development cooperation attentive to contexts and conflicts and thus enshrines the Swiss objectives of consolidation of peace and strengthening the State as described in the New Deal for Engagement in Fragile States (Development Assistance Committee of the Organisation for Economic Cooperation and Development/International Network on Conflict and Fragility (OECD DAC/INCAF)). It is particularly committed to water security, decent work and equality between women and men.

D. Reporting process at the national level

153. The Federal Government, working with the federal and cantonal authorities concerned, drafts reports to the supervisory bodies of human rights treaties. Several federal offices are responsible for coordination: the International Public Law Directorate of the Federal Department of Foreign Affairs, the Federal Office of the Federal Justice and Police Department, the Federal Bureau for Equality between Women and Men, the Federal Bureau for Equality for People with Disabilities, the Federal Social Insurance Office of the Federal Department of the Interior and the Secretariat of State for the Economy of the Department of the Economy, Education and Research. Responsibility for drafting reports is not set in stone and may be amended with the agreement of the federal departments concerned, and was adjusted in part during the most recent drafting cycle.

154. Before a periodic report is drafted, the federal departments concerned are consulted. The Federal Council also invites the cantons and communes to give their opinion on the subjects within their jurisdiction by giving them an opportunity to comment on the draft report, respond to a questionnaire or gather the information on the situation in the area concerned. Before the report is submitted to the Federal Council for approval, a formal consultation is organized at the federal level.

155. The official English and French versions of the concluding observations of the international authorities on Swiss reports are translated into German and Italian, submitted to the Federal Council and published. Publication enables the public to have an idea of the situation and of the development and the difficulties of protecting human rights.

156. The concluding observations of each committee are sent to the federal departments that have taken part in the consultation, the cantons and the services concerned so that the recommendations can be implemented. The cantons transmit these recommendations to the cantonal authorities concerned, the communes and sometimes also to the cantonal courts. The federal department or office that is competent regarding a particular recommendation determines what additional measures need to be taken to implement the recommendations at federal level.

IV. Non-discrimination, equality and effective remedies

A. Organization of government efforts to promote equal rights and prevent discrimination

157. Dignity and equality are the first rights listed in the set of fundamental rights contained in the Constitution (arts. 7 to 34).[59] The constitutional principles of equality

[59] RS 101.

before the law and non-discrimination (art. 8)[60] are given more detail in several federal Acts, including the Equality Act, the Disabilities Act and the Same-Sex Partnership Act. While it is true that Switzerland has no comprehensive legislation at the federal level to combat all forms of discrimination, this is not an expression of a substantive omission, but rather of the specific nature of the Swiss legal system, in which an international treaty ratified by the Federal Council automatically has the force of law, and the federalism that lays down the distribution of tasks between Confederation and cantons. In practical terms, this means that the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination[61] of 21 December 1965 are of general application and have an impact throughout the legal system. As soon as it was ratified and had entered into force in Switzerland, the Federal Supreme Court began to refer to it in its case law.

158. In recent years, the defence of human rights generally and the prohibition of discrimination in particular have received heightened attention. This is very clearly reflected in the new Federal Constitution, which was accepted by people and cantons on 18 April 1999 and entered into force on 1 January 2000.[62] The set of fundamental rights includes, not only the most essential ones, such as the rights to life and personal freedom, but also, in articles 7 (respect for human dignity) and 8 (general prohibition of any form of discrimination), important constitutional bases for combatting racism. Under article 35, paragraph 3, of the Federal Constitution,[63] the authorities ensure that, where appropriate, fundamental rights are also upheld in relations between private persons.

159. In order to ensure that treaties are applied at the federal level, the Swiss Government is currently following a strategy that involves codifying in a coherent fashion all the prohibitions on discrimination applicable in specific fields. The federal authorities believe that a sectoral approach guarantees greater protection from the various forms of discrimination against different categories of people. For example, the Federal Act of 24 March 1995, the Equality Act,[64] the Federal Act of 13 December 2002, the Disabilities Act[65] and article 26*bis* of the Criminal Code[66] on racial discrimination, which has proved effective in practice, each covers particular forms of discrimination, making it possible to give the most appropriate institutional response to particular cases. The Federal Council pays close attention to any changes and will, if necessary, propose improvements. It gives priority to instruments developed and agreed upon by the social partners based on their freely agreed collaboration. It is nonetheless ready to adopt other binding legal provisions, should that prove necessary.

160. Regarding gender-based discrimination, in 2011 Switzerland celebrated the fortieth anniversary of female suffrage at the federal level, the thirtieth anniversary of the constitutional article on equality and the fifteenth anniversary of the Federal Equality Act.[67] The aim of the last of these is to promote actual equality between women and men in work relationships and applies to such relationships that are regulated by the Code of Obligations and federal, cantonal and communal public law (arts. 1 and 2 of the Equality Act). Under article 3, paragraph 1, of the Equality Act, it is prohibited directly or indirectly to discriminate between workers on grounds of sex. This puts into practice the right to equal pay for work of equal value, which is enforceable in court and guaranteed by article 8, paragraph 3, of the Constitution.[68] The Federal Council has therefore introduced measures and developed instruments to promote equal pay for women and men. One example of this is *Logib*, a tool that enables companies to monitor their pay practices (self-monitoring). For services supplied in Switzerland, the Confederation awards contracts only to bidders that guarantee equal pay (art. para. 1(c), of the Federal Act of 16 December 1994, the Public

[60] RS 101.
[61] RS 0.104.
[62] RS 101.
[63] RS 101.
[64] RS 151.1.
[65] RS 151.3.
[66] RS 311.0.
[67] RS 151.1.
[68] RS 101.

Supply Contracts Act).[69] For this purpose it can carry out or have carried out checks on equal pay under article 6, paragraph 4, of the Order of 11 December 1995 on public supply contracts.[70] In principle, these checks are carried out by the Federal Bureau for Equality between Women and Men. Overall, the trend is positive: the average gap between the pay of men and women in the private sector is slowly but surely narrowing. Nonetheless, women continue to earn considerably less than men for equivalent full-time work.

161. Regarding women who are victims of domestic violence, the federal authorities regularly examine the situation and introduce new measures when necessary. Since 1 April 2004, ordinary bodily harm (art. 123. Ch. 2, paras. 3–5, of the Criminal Code),[71] repeated assault (art. 126, para. 2 (b), (b)*bis* and (c), of the Criminal Code), threats (art. 180, para. 2, of the Criminal Code), sexual coercion (art. 189 of the Criminal Code) and rape (art. 190 of the Criminal Code) committed against a spouse or partner are automatically prosecuted. On 13 May 2009, the Federal Council transmitted to the National Council a "Report on violence between intimate partners: Causes and measures taken in Switzerland", which listed, among others, the measures taken at the federal level to combat and prevent violence between intimate partners. The Federal Bureau for Equality between Women and Men is empowered to implement these measures at the federal level. Measures have also been introduced on forced marriage: following the entry into force of the new Federal Forced Marriage Act on 1 July 2013, it became an offence under the Criminal Code (art. 181a).[72] In addition, on 14 September 2012, the Federal Council launched a national programme against forced marriage (2013–2017).

162. In order to combat female genital mutilation, a new article (art. 124) was added to the Criminal Code on 1 July 2012 to put an end to the problems of definition and evidence that had previously obtained. While female genital mutilation was already punishable under the Criminal Code as grievous bodily harm, it is now the subject of a specific provision, which also applies when the offence has been committed abroad, even if it is not a criminal offence in the country concerned.

163. The ratification in September 2008 of the Optional Protocol of 6 October 1999 to the Convention on the Elimination of All Forms of Discrimination against Women[73] made possible individual communications against Switzerland. So far, one case has been submitted to the Committee on the Elimination of Discrimination against Women, and is pending.

164. In Switzerland, people with disabilities can go to court to contest inequality and discrimination. Since its entry into force in 2004, the Federal Act of 13 December 2002, the Disabilities Act,[74] has made it possible or helped to make significant progress towards eliminating inequalities affecting people with disabilities. This is particularly noticeable in construction, public transport and services. As the centre of expertise in the Confederation, the Federal Bureau for Equality for People with Disabilities concentrates on supporting the implementation of legislation on the equality of people with disabilities, advises the federal departments on disability mainstreaming and runs innovative projects seeking to ensure that society takes the subject fully into account. On 15 April 2014, Switzerland became a party to the Convention on the Rights of Persons with Disabilities of 13 December 2006 (CRPD).[75] By doing so, it reaffirmed its wish to do everything in its power to promote the equality of people with disabilities, something it had committed to ten years earlier with the entry into force of the Disabilities Act.[76]

165. Combatting racial discrimination is a transversal function of the Government as a whole. The Confederation is committed to conducting ongoing and long-term prevention

[69] RS 172.056.1.
[70] RS 172.056.11.
[71] RS 311.0.
[72] RS 311.0.
[73] RS 0.108.1.
[74] RS 151.3.
[75] RS 0.109.
[76] RS 151.3.

and awareness-raising work to fight against racism and xenophobia. Switzerland supported the consensus expressed in the Outcome Document of the Durban Review Conference held in Geneva in 2009. Article 261*bis* of the Criminal Code[77] punishes incitement to hatred or discrimination on grounds of race, ethnicity or religion.

166. Further information on Switzerland's efforts to combat different forms of discrimination is contained in the most recent national reports submitted to the Committee on the Elimination of Discrimination against Women (CEDAW) of 2 June 2015 (CEDAW/C/CHE/4-5, submitted on 25 February 2015), the Committee on the Elimination of Racial Discrimination (CERD) of 14 May 2013 (CERD/C/CHE/7-9, submitted on 3 December 2012) and the Committee on the Rights of Persons with Disabilities (CRPD) (adopted by the Federal Council in June 2016). In addition, every two years the Anti-Racism Department publishes a report on racial discrimination that gives an overview of data collected and measures taken in this regard.

167. In a detailed report published recently following a parliamentary motion in 2012, the Federal Council took a position on the "right to protection from discrimination". The Swiss Centre of Expertise in Human Rights was tasked with conducting a study on access to justice in the event of discrimination in Switzerland. The study concluded that Swiss anti-discrimination law has many strong points, but also various weaknesses and omissions. The strong points are the inclusion of non-discrimination in the Federal Constitution and the adoption of specific laws, such as the Equality Act and the Disabilities Act, which can take into account the particularities of each type of discrimination. The analysis also showed that organizations and consultation centres identify strongly with these specific laws and acquire great expertise in these fields. The omissions identified in Swiss anti-discrimination law vary in the different fields and are both substantive and procedural.

168. The Swiss Centre of Expertise in Human Rights expressly states in its study that it does not recommend the adoption of a framework law on discrimination that would govern all the fields concerned and replace the specific laws in force. The study shows that these fields involve very different sets of issues and that it might be difficult to devise transversal laws that accurately took all of them into account. Such a framework law would run the risk of jeopardizing what had already been achieved and undermining well-established monitoring, consultation and support institutions. The Centre has also studied several specific subjects and issued recommendations on gender equality, lesbian, gay, bisexual, transgender and intersex (LGBTI) people, racism and the equality of people with disabilities.

169. The survey by the Centre of Expertise in Human Rights of members of the Bar and the courts confirmed the opinion of the Federal Council that the available substantive legal bases are on the whole appropriate and sufficient to protect from discrimination, especially in public law, but that omissions seem to subsist in private law. A government working group was tasked with analysing in detail the findings of this wide survey. In addition to the Federal Office of Justice (the competent office), the Federal Bureau for Equality for People with Disabilities, the Federal Bureau for Equality between Women and Men and the Anti-Racism Department were represented in the group. The working group examined in detail the recommendations of the Centre of Expertise in Human Rights in order to determine which proposals might be implemented or examined in depth.

170. The Swiss Government has in particular said it is ready to look further at the Centre's recommendations on strengthening protection from discrimination in certain fields, extending the scope of organizations' power to act, reducing the costs of civil proceedings, awareness-raising, collecting data on discrimination and on the equality of people with disabilities and LGBTI people (cf. *Le droit à la protection contre la discrimination, rapport du Conseil fédéral du 25 mai 2016 en réponse au postulat Naef 12.3543 du 14 juin 2012*).

[77] RS 311.0.

B. Effective remedies

171. The Constitution sets out the procedural guarantees in force (arts. 29 to 32).[78] The general procedural guarantees include the right to a trial within a reasonable time, the right to be heard, the right to free legal assistance for people who do not have sufficient resources, the right to an independent, impartial tribunal and the right to a public hearing. Under article 29(a) of the Constitution, everyone has the right to have their case heard by a court.

172. Regarding the guarantees specific to criminal law, the Constitution enshrines the rights of accused persons when they are detained on remand, the principle of the presumption of innocence and the right of everyone to be informed in detail of the charges against them.

173. The remedies in domestic law are described in detail in section III.B.3. above. Anyone who believes their rights have been violated may seek a remedy if their application satisfies the conditions of admissibility.

174. In the event of violation of fundamental rights, Switzerland also acknowledges the importance of giving individuals the possibility of seeking redress at the international level through communications and complaints procedures.

175. The European Convention on Human Rights[79] has an implementation procedure that enables an individual to submit an application to the European Court of Human Rights in Strasbourg for violation by a Contracting Party of the Convention or the protocols thereto. The principle of subsidiarity is applicable in that the Contracting Parties are responsible for upholding and implementing the Convention, but they are given a margin of discretion. The principle of subsidiarity also arises in article 13 of the Convention, under which Contracting Parties are required to introduce an effective remedy before a national authority so that citizens may claim violation of the guarantees of the Convention.

176. Some 6,500 applications were lodged against Switzerland between 1974 (the year it ratified the Convention) and December 2015. More than half of them were submitted between 2002 and 2015. By 31 December 2015, the Court and the Committee of Ministers had handed down a total of 181 final judgments in Swiss cases. They found that there had been a violation of the Convention in 104 cases. A comparison of the number of applications submitted between 1974 and 2015 with the number of applications that resulted in a judgment against Switzerland in the same period shows that around 1.6 per cent of applications led to a ruling against it.

177. Although a very small proportion of applications resulted in a ruling against Switzerland, some of them required federal and cantonal legislation to be amended or that the authorities responsible for implementation changed their practices. It took time to effect these amendments in some cases, but the authorities concerned implemented the decisions in such a way that the Committee of Ministers (the body responsible for checking that judgments have been executed) was able to close the proceedings.

178. The Federal Supreme Court played a decisive role in incorporating the European Convention on Human Rights in Swiss law. Shortly after it entered into force, it acknowledged in a judgment that the guarantees of the Convention were constitutional in nature and therefore placed them, from a procedural point of view, on a par with constitutional rights. For the national authorities, this means that when a violation of a constitutional right by a legislative act or a decision is alleged, a violation of the European Convention on Human Rights may also (or exclusively) be relied upon. The aforementioned Stöckli report (cf. *40 ans d'adhésion de la Suisse à la CEDH: postulat Stöckli 13.4187 du 12 décembre 2013*) points to the increase in the number of decisions of the Federal Supreme Court that refer to the Convention. Nowadays, an allegation of a violation of human rights is often based on both the Federal Constitution and the

[78] RS 101.
[79] RS 0.101.

Convention. This is also true of the corresponding rights enshrined in United Nations human rights instruments. For example, the rights and freedoms protected by the International Covenant on Civil and Political Rights have been the subject of over 200 judicial decisions in the Federal Supreme Court during the period covered by the fourth periodic report for the United Nations Human Rights Committee, which confirms that the members of the Bar and a majority of the public is familiar with the Covenant and that the Federal Supreme Court accords major importance to it in its case law.

179. In addition to the European Court of Human Rights, Switzerland recognizes other international remedies: the individual complaints procedures of the Committee Against Torture, the Committee on the Elimination of Racial Discrimination and the Committee on the Elimination of Discrimination against Women. As of end 2015, 175 applications had been submitted to the Committee Against Torture, 17 of which resulted in a finding of violation of the Convention against Torture, while 22 were pending. The Committee on the Elimination of Racial Discrimination has received two applications against Switzerland: in one, it was found that there had been no violation, while the other is pending. In 2015, the first application against Switzerland was lodged with the Committee on the Elimination of Discrimination against Women, which has yet to rule on the case. Switzerland is currently planning to ratify the third Optional Protocol to the Convention on the Rights of the Child on a communications procedure in the event of violation of this Convention.